

# THE PRESENT PROBATION PICTURE: A PATCHWORK DESIGN

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Probation services in the United States trace their roots to a common origin, but the philosophies, models, and approaches for delivering probation services today form anything but a homogeneous image.

Looking at the array of probation designs across the country is akin to viewing a “crazy quilt” patchwork design. Probation agencies have adopted a variety of missions, provide vastly different services, work with diverse clients, and take varying approaches to service delivery.

Still, there are consistencies among various probation agencies, and they generally share similar overall goals. This section explores both the similarities and differences in State probation services across the country (federal probation is not included in this discussion). It examines the organization and delivery of probation services and discusses some of the issues and problems currently facing the profession.

Petersilia, 1998,  
p. 32

*The term “probation” has various meanings within multiple areas of corrections, and the volume and type of offenders on probation are quite large and varied.*

## Historical Roots

John Augustus, a Boston shoe cobbler, is credited as the “Father of Probation.” In 1841 he persuaded the Boston Police Court to release an adult drunkard into his custody rather than sending him to prison -- the prevalent means of dealing with law violations at that time. His efforts at reforming his first charge were successful, and he soon convinced the court to release other offenders to his supervision. However, this first unofficial probation officer did not perform his altruistic work without controversy. His efforts actually were resisted by police, court clerks, and turnkeys who were paid only when offenders were incarcerated (Klein, 1997).

Massachusetts passed the first probation statute in 1878 mandating an official State probation system with salaried probation officers. Other states quickly followed suit, with 33 states having legislated probation by 1915 (Ellsworth, 1996), and by 1956, all states had adult probation laws (Petersilia, 1998). Today, probation is authorized in all States and is an integral part of the adult justice system. Many foreign nations also have adopted approaches based on the United States prototype.

## Structure and Delivery of Probation Services

The administration of probation is organized differently among the States. Both the level of government (i.e., State or local) and the branch of government (i.e., executive or judicial) may vary. The five organizational options include (Krauth & Linke, 1999):

- State executive agencies,
- Local executive agencies,
- State judicial agencies,
- Local judicial agencies, and
- Combinations of these models within a state.

Figure 1

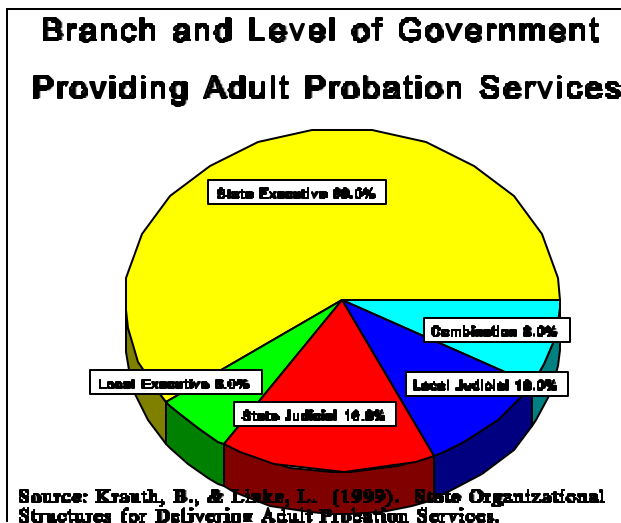


Figure 1 provides a depiction of the array of organizational structures. (See Table 1 in the Appendix for specific states in each category.)

The majority of states (30/60%) provide probation services through a State-level executive branch agency, such as the Department of Corrections (26 states). Alabama and Arkansas have an independent board that oversees the state agency providing probation services, and South Carolina houses its probation

services within a cabinet-level agency (Krauth & Linke, 1999).

The next most common organizational structure for probation services is through the State's judicial branch (8 states/16%). Local judicial agencies deliver probation in five States (10%), and local executive agencies are responsible for probation in three states (6%). Four States organize probation services under the auspices of more than one level or branch of government. Three states (Minnesota, Ohio, and Pennsylvania) combine local and State executive branches, while California has probation services located in both local judicial and executive branch agencies. More important than structural issues, however, is strong, well-informed leadership for a probation program.



## Types of Cases Handled by Adult Probation

States also vary in the types of adult offenders supervised on probation. Figure 2 depicts the configurations for supervision of felony and/or misdemeanor offenders. Table 2 in the Appendix provides information about types of cases handled by adult probation for each State. According to Krauth & Linke (1999), nearly half of the states (24 states) are responsible for supervising all felony and misdemeanor

Figure 2

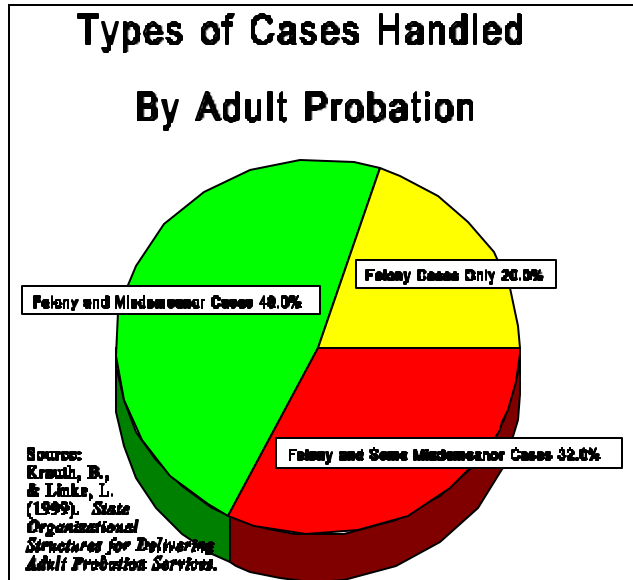
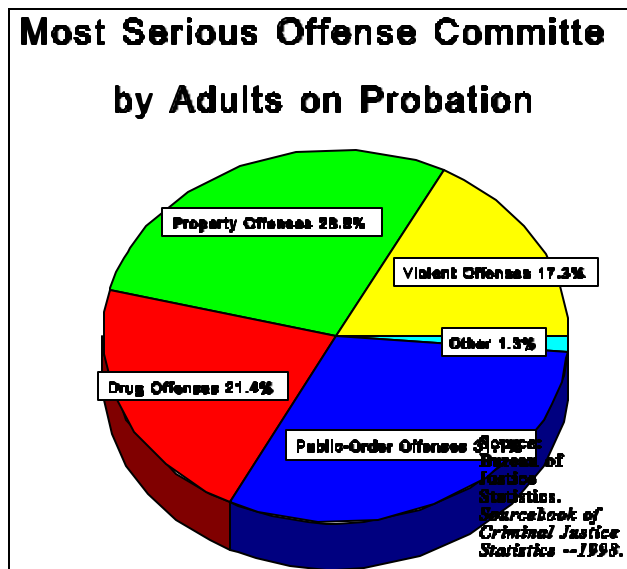


Figure 3



cases placed on probation. About one-third of the states (16 states) place felony offenders and some categories of misdemeanor offenders on adult probation, and one-fifth (10 states) supervise only felony cases on probation.

Figure 3 depicts the most serious offenses committed by adults on probation in 1995.

Table 3 in the Appendix provides more detailed information about the breakdown of specific types of crimes within these general categories and shows the percentage that were felony and misdemeanor cases. Property and public-order offenses are the most frequently supervised types of cases

on adult probation. However, at 17 percent and 21 percent respectively, violent and drug cases also make up significant portions of the adult probation caseload.

## Probation Services

Probation agencies are responsible for a variety of tasks. These also vary considerably from one State to another. They can be grouped, generally, into the following categories, each of which will be discussed briefly:

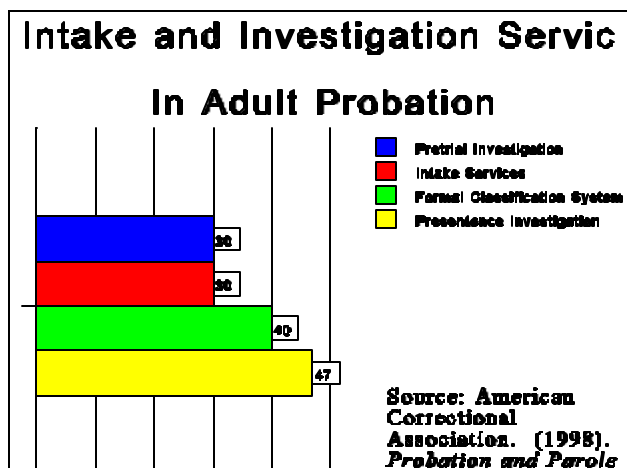
- Intake and investigation
- Supervision
- Provision of or referral to treatment and other services
- Monetary collections
- Services to victims

### *Intake and Investigation*

An important task for adult probation professionals occurs as offenders are placed on probation or even before they are tried and sentenced. In various locations, probation personnel have responsibilities for conducting pretrial investigations, presentence investigations, and intake services, and for assessing and classifying offenders. In some localities (usually larger agencies) these tasks are performed by probation professionals

specializing in these areas, while in many other agencies, probation officers handle intake and investigation duties as well as other responsibilities. Figure 4 shows that in nearly all states (47/94%) adult probation agencies conduct presentence investigations, and in 30 states (60%) they also conduct pretrial investigations. Forty states (80%) report using a formal classification system for adult offenders on probation. Intake services are provided by 30 states (60%) (American Correctional Association, 1998). Table 4 in the Appendix lists the specific states reporting activities in these areas. (Note that an activity is

Figure 4



indicated for a state if it was reported at all within the state's probation services. Inclusion may not mean that the activity is conducted throughout the state.)

## Offender Supervision Services

A wide array of activities constitute supervision of offenders on probation. Again, there are significant differences in tasks performed both between and within States.

However, Figure 5 shows the prevalence of seven supervision activities frequently performed by adult probation agencies.

Figure 5 shows the prevalence of seven supervision activities frequently performed by adult probation agencies. Nearly all states (46 states/92%) provide intensive supervision services for some offenders. Electronic monitoring is available in 43 states (86%). Some type of specialized caseload supervision is provided in 39 states (78%), although the types of caseloads (e.g., drug-involved offenders, domestic violence offenders, gang members) varies considerably. Thirty-three states (66%) used community service in their supervision practices. Supervised home release is a part of adult probation responsibilities in 27 states (54%).

Twenty states (40%) have specialized absconder units to track and return probationers who have evaded supervision. Only six states (12%) have instituted day reporting centers as a form of supervision for high-risk cases (American Correctional Association, 1998). (Note that an activity is indicated for a state if it was reported at all within the state's probation services. Inclusion may not mean that the activity is conducted throughout the state.)

Figure 5

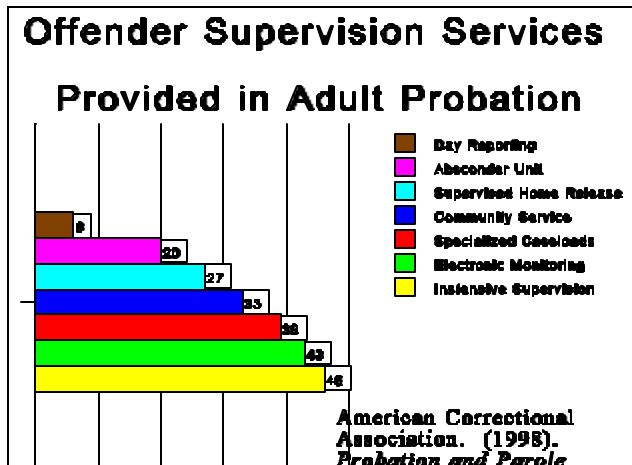
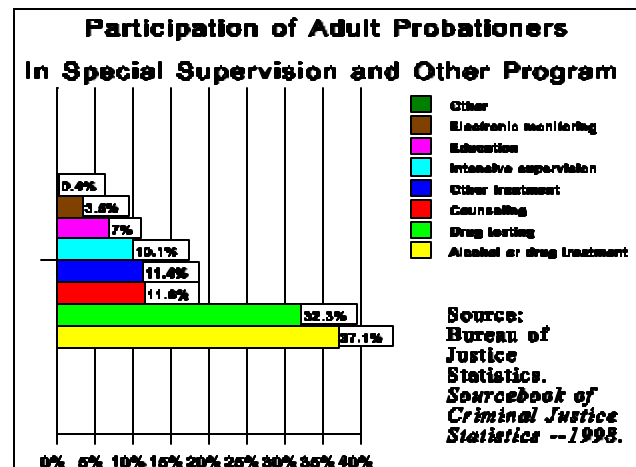


Figure 6



In 1995, about two-thirds (61.2%) of adult probationers participated in some type of special supervision or other program including:

- drug treatment,
- counseling

- intensive supervision,
- electronic monitoring,
- drug testing,
- other treatment,
- education, and
- other services.

Figure 6 depicts the percentages of offenders participating in these special supervision or other programs, and Table 6 in the Appendix provides breakdowns within each of the major categories (Bureau of Justice Statistics, 1998).

### ***Treatment and Referrals***

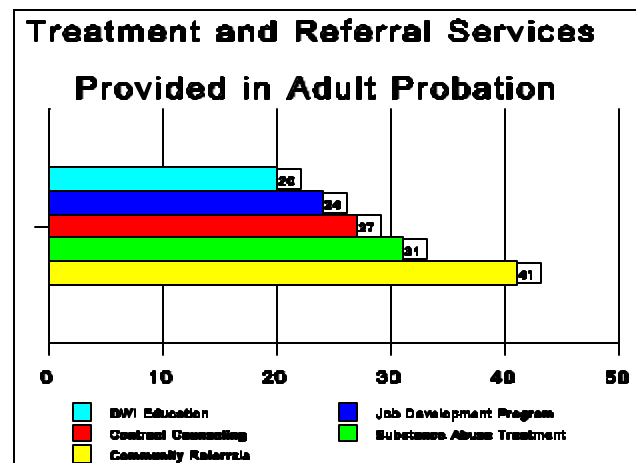
Many adult probation agencies either provide treatment and other services directly to offenders or (in most cases) refer them to appropriate community agencies. While a variety of services may be provided depending on locality and resources, five are shown in Figure 7.

Forty-one states (82%) reported adult probation agencies make community referrals. Recognizing the strong correlation between substance abuse and crime, 30 states (60%) report providing or referring offenders to substance abuse treatment. Twenty-seven states (54%) report contracting for counseling services for offenders. Almost half (24 states/48%) report having job development programs.

Forty percent (20 states) indicated providing DWI education programs (American Correctional Association, 1998). (Note that an activity is indicated for a state if it was reported at all within the state's probation services. Inclusion may not mean that the activity is conducted throughout the state.) Table 7 in the Appendix provides information on States providing each of these services.

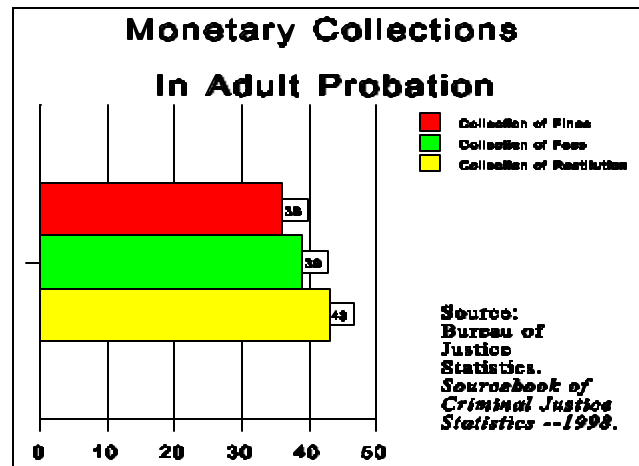
### ***Monetary Collections***

**Figure 7**



Adult probation departments also are frequently involved in the collection of money from offenders for restitution, fees and fines. Even if probation agencies do not actually collect funds, they may be responsible for supervising offenders' monetary obligations and enforcement of payments. As shown in Figure 8, 43 states (86%) reported collecting restitution; 39 (78%) collect offender fees; and 36 (72%) indicated they collect fines (American Correctional Association, 1998). (Note that an activity is indicated for a state if it was reported at all within the state's probation services. Inclusion may not mean that the activity is conducted throughout the state.) Table 8 in the Appendix provides state-by-state information on monetary collections in adult probation.

Figure 8

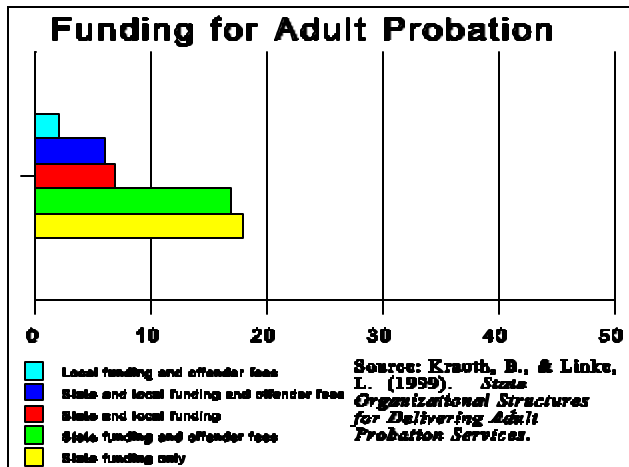


### Victims Services

Almost two-thirds of the states (31/62%) reported providing services for victims through adult probation according to the American Correctional Association (1998). Inclusion of victims in the criminal justice system is increasingly recognized as an important component of a restorative justice approach. (Note that an activity is indicated for a state if it was reported at all within the state's probation services. Inclusion may not mean that the activity is conducted throughout the state.) Table 9 in the Appendix provides a list of states reporting the provision of victims services in adult probation.



Figure 9



## Funding for Adult Probation

In all but two states' (California and Indiana), adult probation agencies report receiving all or part of their funding from state appropriations. Figure 9 illustrates the various funding configurations used among the states. In the majority of cases funding is through the state only (18 states/36%) or state funding supplemented by offender fees (17 states/34%). In seven states (14%), state and local funding are

combined. Six states (12%) merge state and local funding and offender fees. Finally, in two states (4%) local funds and offender fees support adult probation (Krauth & Linke, 1999). Table 10 in the Appendix provides information on specific states using each type of funding source.

## Adult Probation Caseloads

Sizes of adult probation caseloads vary markedly among States and between various types of probation supervision caseloads. According to Camp and Camp (1999), average caseloads for regular probation supervision in the states for which data are available range from 51 in Ohio and Wisconsin to 352 in Rhode Island. Average intensive supervision caseloads range from nine in Wyoming to 118 in South Carolina. Electronic monitoring caseloads range, on average, from 2 in New Hampshire to 35 in Idaho. Specialized caseloads range from 24 in Rhode Island to 60 in New Hampshire. Table 11 in the Appendix details the caseload sizes for most states. (Caution is advised in using these data, as average caseload size is not reported for 11 states/22% in this source.) Based on those states for which data are available, the national average caseload sizes for adult probation supervision are (Camp & Camp, 1999):

- 93 for regular caseloads,
- 30 for intensive supervision caseloads,
- 21 for electronic monitoring caseloads, and
- 34 for special caseloads.

Petersilia (1998) cautions that caseload figures may be misleading and that they are likely to be even higher than indicated. She points out that jurisdictions may not report numbers of probationers and staff in consistent ways. Typically the number of probationers is divided by the number of probation employees. However, not all employees have direct responsibility for supervising offenders, and this may result in caseloads being higher than actually reported. (A discussion of caseload versus workload measures is included in Part III of this paper.)

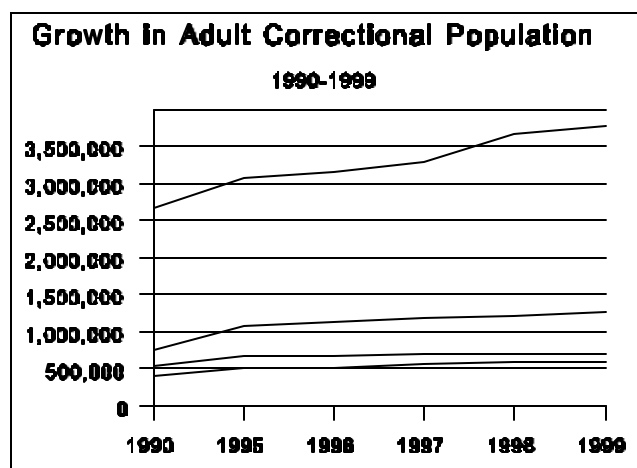
## Trends, Issues, and Problems

Probation is far from a static entity within the criminal justice system. Rather, the statistics given previously belie its evolving nature. Today, probation neither looks like it did in the past nor appears to be headed for a status quo future. Much is happening, and these changes and trends, as well as identified problems and issues, need to be considered when modifying current organizations and practices or shaping new policies and programs.

### Adult Probation Population

Public rhetoric endorsing a “get tough on crime” stance, accompanied by legislation such as “three strikes” and “truth in sentencing” would lead many to believe that corrections today and in the future will be focused on prisons and jails. However, a careful look at the adult criminal population as well as the realities of providing correctional services indicates the criminal justice system has not moved significantly in that direction. Nonetheless, across the country, the number of offenders in jails and prisons has increased at a greater rate than the community corrections population in the past few years. Figure 10 shows the comparative growth rates for probation, parole, jail, and prison between 1990 and

Figure 10



1999 (Bureau of Justice Statistics, 2000).

The adult probation population grew by 41.3 percent between 1990 and 1999 while the prison population increased by 68.8 percent during the same time frame. However, as Figure 10 depicts, probation handles the vast majority of adult offenders -- 60 percent of all adult offenders in 1999 (BJS, 2000).

As with the data already provided in this section, there are significant differences among states in their probation populations. Table 12 compares several characteristics of states' probation populations. While Texas, California, Georgia, and Florida supervised the largest populations of probationers, other states have been experiencing much greater growth rates in their probation populations. The number of offenders supervised on probation per 100,000 adults in the state's population ranges from a low in West Virginia of 427 to a high in Georgia of 5,368. There are several reasons for these substantial differences among states. The state's overall population size, of course, is one factor. However, additional influences include states' sentencing laws, the court's willingness or propensity to use probation as a sentence, and the range and seriousness of offenses actually committed within the state. As Petersilia (1998) comments, "This demonstrated variability in the granting of probation is important, as it suggest that the underlying probation population and the services they need and supervision risks they pose is vastly different, depending on the jurisdiction studied" (pp 40-41).

Table 12

**PROBATION POPULATION CHARACTERISTICS AMONG STATES -- 1999**

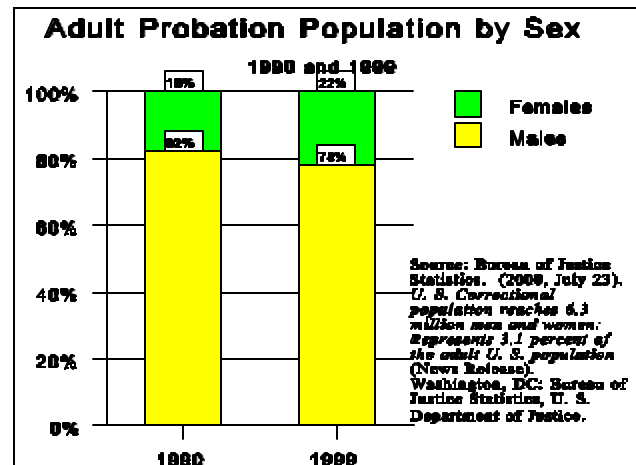
Largest Probation Population	Number Supervised	Largest Increase in Probation Population*	Percentage Increase	Highest Rates of Supervision	Probation-ers per 100,000 Adults	Lowest Rates of Supervision	Probation-ers per 100,000 Adults
Texas	447,100	Idaho	17.7%	Georgia	5,368	West Virginia	427
California	332,414	Vermont	17.1%	Idaho	4,073	North Dakota	576
Georgia	307,653	Arizona	11.2%	Washington	3,705	Virginia	616
Florida	292,399	Montana	10.2%	Delaware	3,673	Mississippi	618
Ohio	184,867	New Mexico	8.6%	Texas	3,121	Kentucky	634

*Adult Probation in the United States*

New York	183,686	Maine	8.2%	Minnesota	2,986	South Dakota	647
Michigan	170,978	Mississippi	8.0%	Rhode Island	2,902	Utah	663
Washington	158,213	Kentucky	7.9%	Florida	2,533	Maine	782
Illinois	134,270	Iowa	6.7%	Indiana	2,399	Nevada	894
New Jersey	128,634	Louisiana	6.3%	Michigan	2,341	Montana	896

\* The period of change measured was between 1998 and 1999.

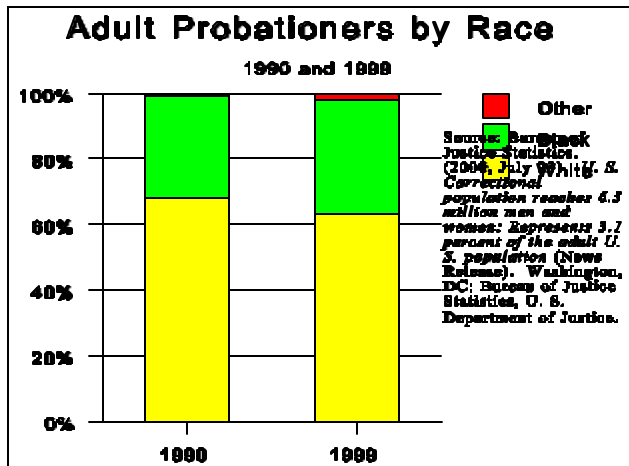
**Figure 11**



Source: Bureau of Justice Statistics. (2000, July 23). *U. S. Correctional population reaches 6.3 million men and women: Represents 3.1 percent of the adult U. S. population* (News Release). Washington, DC: Bureau of Justice Statistics, U. S. Department of Justice.

Not only have there been changes in the overall probation population, but the characteristics of the population also have changed. One notable change has occurred in the sex of probationers between 1990 and 1999. Figure 11 shows that the male probation population has decreased from 82 percent to 78 percent during that period, while the female population has grown respectively from 18 percent to 22 percent (BJS, 2000). Although the adult

Figure 12



probation population is still overwhelmingly male, the growing female population has important ramifications for programming if the field is to be successful in working with these offenders.

Changes have been occurring in the racial composition of the adult probation population also. Figure 12 shows the comparison for white, black, and other racial groups between 1990 and 1999. The population of white probationers has diminished from 68 percent to 63 percent while black offenders have increased from

31 percent to 35 percent and other racial groups have increased from one percent to two percent (BJS, 2000). If these trends continue, probation will see increasing numbers of minority offenders, and programs and strategies will need to reflect the diversity of the offender population. Table 13 in Appendix A provides a view of each state's probation population by sex and race.

In 1995, 57 percent of offenders supervised on probation were convicted of felonies. No longer does probation work only with first-time, low-risk offenders. Increasingly probation agencies are being charged with supervising violent offenders, drug offenders, and serious property offenders.

## Doing More with Less

Probation funding primarily comes from three sources: State funds, local funds, and offender fees. Camp and Camp (1999) report that the daily cost of supervising adult offenders on probation in 1998 ranged from 72 cents (in South Dakota) to \$8.25 (in Vermont). However, as Petersilia (1998) points out, there is no standard formula for computing the cost of probation supervision, so it is difficult to know whether or not these costs consistently include comparable services and expenses.

Clear & Braga, 1995, p. 423

*Apparently, community supervision has been seen as a kind of elastic resource that could handle whatever numbers of offenders the system required it to.*

What is generally agreed, though, is that while the number of offenders on probation has increased dramatically during the past decade and adults on probation comprise more than 60 percent of the offender population (see Figure 10), funding for probation has remained static and even declined in some areas. Probation receives less than ten percent of state and local government funding for corrections, and in comparison to spending for prisons, probation funding has been declining since the mid-1970s (Reinventing Probation Council, 2000b). Thus, not only is probation taking on greater numbers of offenders as well as those who present more significant risk to the community, but this part of the corrections system is doing so with resources that are declining each year relative to other corrections services.

## Other Issues and Problems

Over the past three years, probation leaders have been contemplating about and meeting to address concerns and problems evident in the probation system. The Reinventing Probation Council (2000b) has identified several reasons probation presently is not working as well as it should.

Reinventing Probation Council, 2000b, p. 1

*. . . we believe that probation is at once the most troubled and the most promising part of America's criminal justice system.*

### Credibility and Confidence

Although crime rates have fallen recently, the public's fear of crime appears to be high and confidence in the ability of the criminal justice system to ensure public safety is in question (Reinventing Probation Council, 2000b). While this is not limited to

probation, many feel probation services are too lenient on offenders and fear that some offenders are too dangerous to be released in the community.

### ***Poor Probationer Performance***

If successful completion of probation were to be graded, the system would likely receive D's or failing marks. Rather than improvement during the past decade, probationer success rates have remained the same or declined in many instances. Table 14 shows information from the Bureau of Justice Statistics (2000) comparing the situation of offenders leaving probation in 1990 and 1999.

Studies have shown significant recidivism rates for adults on probation, ranging from 43 percent of probationers being rearrested for a felony within three years of their probation sentence (Langan & Cuniff, 1992) to 65 percent being arrested for a felony or misdemeanor during their probation terms (Petersilia, Turner, Kahan, & Peterson, 1985).

Table 14

**ADULTS LEAVING PROBATION**

	1990	1999
Successful completion	69%	61%
Returned to incarceration	14%	14%
With new sentence	3%	4%
With the same sentence	11%	7%
Type of return unknown	0%	3%
Absconder	7%	3%
Other unsuccessful	2%	11%
Death		1%
Other	7%	9%

Source: Bureau of Justice Statistics. (2000, July 23). *U. S. Correctional population reaches 6.3 million men and women: Represents 3.1 percent of the adult U. S. population* (News Release). Washington, DC: Bureau of Justice Statistics, U. S. Department of Justice.

***Probation Supervision***

The Reinventing Probation Council (2000b) recognized that the enforcement of the conditions of probation often are sporadic and ineffective. Langan (1994) reports that nearly half of probationers do not comply with the terms of their sentence, but only one-fifth who violate these terms are incarcerated for their noncompliance. The Council also found that probation too often does not succeed in helping offenders develop more prosocial lifestyles by discontinuing substance abuse, improving educational skills, and becoming productively employed.

Further, the Council criticizes probation for not instituting research-supported practices and its custom of “fortress probation” and passive case management. By delivering services primarily in probation office settings and not progressively and proactively pursuing information about offenders and responding to violations, the Council claims that probation “enables” noncompliance and criminal behavior by offenders.